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23rd SESSION  
VII

REPORT VII

International Labour Conference

TWENTY-THIRD SESSION  
GENEVA, 1937

Partial Revision  
of the Minimum Age (Non-Industrial  
Employment) Convention, 1932 (No. 33)

Seventh Item on the Agenda



GENEVA  
International Labour Office

1937

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# REPORT VII

## International Labour Conference

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### Partial Revision of the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)

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## INTRODUCTION

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The Governing Body of the International Labour Office at its Seventy seventh Session in November 1936 decided to place on the Agenda of the Twenty third (1937) Session of the International Labour Conference the following question

Partial revision of the Minimum Age (Non Industrial Employment) Convention, 1932 (No 33), with reference to the following points

- (a) Revision of exceptions and exemptions in respect of children between 14 and 15 years of age,
- (b) Revision of Article 2 so as to raise the minimum age from 14 to 15 years,
- (c) Raising to 13 years of the age fixed in paragraph 1 of Article 3,
- (d) Insertion of a clause providing for the registration of workers below a prescribed age,
- (e) Deletion of Article 9,
- (f) Substitution for Articles 10 to 16 of the 1932 Convention of the Standard Articles in the form last approved by the Conference

The raising of the minimum age for admission to employment was first brought forward by a resolution adopted by the Nineteenth (1935) Session of the Conference. That resolution requested the Governing Body to consider urgently the desirability of placing on the Agenda of an early Session of the Conference the revision of the Minimum Age (Industry) Convention, 1919 (No 5), the Minimum Age (Sea) Convention, 1920 (No 7), the Minimum Age (Agriculture) Convention, 1921 (No 10), and the Minimum Age (Non Industrial Employment) Convention, 1932 (No 33), with a view to raising the age from 14 to 15 years. The subject was also referred to in the Unemployment (Young Persons) Recommendation, 1935 (No 45), which the same Session of the Conference adopted by 100 votes to 1. Paragraph 1 of that Recommendation runs as follows

The minimum age for leaving school and being admitted to employment should be fixed at not less than 15 years, as soon as circumstances permit

The Governing Body decided at its Seventy-fourth Session in February 1936 to consider placing on the Agenda of the Conference the partial revision of all four Minimum Age Conventions (Industry, Sea, Agriculture and Non-Industrial Employment) with a view to raising the minimum age from 14 to 15 years and to revising the Standard Articles. The Office accordingly addressed a letter on 22 February 1936 to all States Members, informing them of this decision and asking for their observations. The replies received from the Governments were considered by the Governing Body at its Seventy-sixth Session, in June 1936, when it decided to place on the Agenda of the Twenty-second (Maritime) Session of the Conference, in October 1936, the partial revision of the Minimum Age (Sea) Convention, 1920 (No. 7) with reference to the raising of the minimum age from 14 to 15 years and the revision of the Standard Articles, and on the Agenda of the Twenty-third (1937) Session of the Conference the question of the revision in whole or in part of the Minimum Age (Industry) Convention, 1919 (No. 5) and the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33).

The Twenty-second Session of the Conference adopted in October 1936 the Minimum Age (Sea) Convention (Revised), 1936 (No. 58). This Convention, subject to certain exceptions, raises the minimum age for admission to employment at sea to 15 years, but it also provides, in Article 5, that the Convention shall not come into force until the Conference has adopted Conventions revising the Minimum Age (Industry) Convention, 1919 (No. 5), and the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33). The partial revision which is now before the Conference is therefore an essential continuation of the task which was begun at the Twenty-second Session.

The points in respect of which the partial revision of the Minimum Age (Industry) and Minimum Age (Non-Industrial Employment) Conventions were placed on the Agenda of the 1937 Session were defined by the Governing Body at its Seventy-seventh Session in November 1936. At the same Session it decided to set up a Tripartite Agricultural Committee and to consult that Committee on the question of the possible revision of the Minimum Age (Agriculture) Convention. It also decided to instruct the Office to study all the aspects of the proposal contained in the reply of the United States Government (the substance of which is reproduced in Chapter I of this Report) with a view to determining to what extent the general question of the protection of children could be regulated internationally.

The Conference at its Twenty-third Session is thus called upon to take a decision upon the partial revision of the Minimum Age (Non-Industrial Employment) Convention in accordance with the procedure laid down in Article 6 *a* of its Standing Orders. It will be observed that this Article provides for a single discussion procedure and limits the matters in respect of which the Convention may be revised to the particular points placed by the Governing Body on the Agenda of the Session.

In compliance with the Standing Orders the International Labour Office has prepared draft amendments for submission to the Conference as a basis for its discussion of the points placed on the Agenda and also a draft of a resolution giving the necessary instructions to the Drafting Committee of the Conference for the revision of the Standard Articles. These proposals will be found on pages 30 to 33. The text of the 1932 Convention is also reproduced for convenience of reference on page 34. In preparation for the work of the Conference, the Report reproduces in Chapter I the substance of the observations which were made by the Governments in response to the enquiry addressed to them by the Office and which were before the Governing Body when it decided the points to be placed on the Agenda for the partial revision of the Convention. This section of the Report is followed in Chapter II by an examination of the conclusions which may be drawn from the Governments' observations, leading up to the draft amendments submitted by the Office.

The complete text of the revised Convention, as it may result from the decisions of the Conference on the points submitted to it, will of course have to be drawn up during the Session of the Conference by its Drafting Committee.

Geneva, *February 1937.*



## CHAPTER I

### OBSERVATIONS OF THE GOVERNMENTS<sup>1</sup>

This chapter reproduces the substance of the replies received to a request addressed to the Governments of the States Members of the International Labour Organisation by a letter from the International Labour Office dated 22 February 1936, in which the Governments were asked for their observations on the questions of the placing of the revision of the Minimum Age (Industry) Convention, 1919 (No. 5), the Minimum Age (Sea) Convention, 1920 (No. 7), the Minimum Age (Agriculture) Convention 1921 (No. 10), and the Minimum Age (Non Industrial Employment) Convention, 1932 (No. 33), on the Agenda of a Session of the Conference. The replies reproduced below are only those which refer to the Minimum Age (Non Industrial Employment) Convention, 1932 (No. 33), on the subject of which the attention of the Governments was called only to the two following points, considered by the Governing Body of the International Labour Office to be specially worthy of attention:

- (1) Raising of the minimum age from 14 to 15 years (Article 2) and any related revision of the exceptions provided in the Convention,
- (2) Revision of a formal article (Article 15)

#### ARGENTINA

The Government is not in a position at present to make any statement as regards the raising of the age for admission to employment. In

<sup>1</sup> The Convention had been ratified up to 31 December 1936 by the following six States: Austria, Belgium, Curaçao, Netherlands, Spain and Uruguay.

No observations have been received from the Government of Belgium.

Replies were received from the Governments of the following 32 States which had not ratified the Convention: Argentina, Australia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Czechoslovakia, Denmark, Ecuador, Estonia, Finland, France, Great Britain, Greece, Guatemala, Hungary, India, Iraq, Irish Free State, Japan, Mexico, Poland, Siam, Sweden, Switzerland, Turkey, Union of South Africa, United States of America, Venezuela and Yugoslavia.

The observations of the Governments of Argentina, Czechoslovakia, Mexico and Spain were communicated verbally to the Governing Body at its Seventy-sixth Session by the representatives of those Governments on the Governing Body.

principle it agrees with the idea of revising the Convention, but it reserves the right to express its views if necessary as regards the exact terms in which revision of the Convention should be undertaken.

#### AUSTRALIA

The Government has no observations to offer other than that as a means towards the solution of the problem of juvenile employment it would be prepared on the revision of the Convention to give careful consideration to the matter.

#### AUSTRIA

The Federal Government, while reserving its attitude on the substance of the question, has no objection to the revision of the Convention being placed on the Agenda of the Conference.

#### BRAZIL

The Ministry of Labour, Industry and Commerce points out that at the Conference of American States Members of the Organisation at Santiago de Chile in January 1936 the Brazilian delegation opposed the raising of the minimum age on the ground that it would lead to serious economic difficulties and would be against the interests of the working class, since there is no unemployment in Brazil but, on the contrary, a shortage of labour. The Ministry adds that children in the tropics develop physically and mentally more quickly than in temperate or cold regions. For these reasons the Ministry is opposed to the raising of the minimum age.

#### BULGARIA

The Government offers no opinion on the proposed raising of the minimum age and has no observations to make regarding the revision of the Standard Articles.

#### CANADA

##### *Alberta*

The suggested changes in the Convention would be fully covered by the provisions of legislation already in the Statutes of the Province. The Factories Act, which applies to factories wherever situated in the Province, and to retail establishments, hotels, restaurants, offices and office buildings in cities and towns having a population of 5,000 or over, prohibits the employment of children under the age of 15 years. The School Act makes compulsory the attendance at school of children until they reach the age of 15 years. It follows as a consequence of these Acts that employment of children under the age of 15 years is non-existent.

##### *British Columbia*

The objects of the Convention are almost entirely covered by existing laws. The Public Schools Act, which requires all children to attend school during the regular school hours every school day until they have reached the age of 15 years, has a very effective bearing and its application alone is practically sufficient to attain the object of the proposed revision.

The mercantile industry may be regarded as the largest non industrial field Employment of children in this field, however, is practically precluded through the joint application of the Public Schools Act and the Shops Regulation Act, Chapter 232, R S B C , 1924, because the Public Schools Act compels the attendance of all children under 15 years of age at school during the day time and the Shops Regulation Act compels the closing of shops (with few exceptions) in the evenings and at nights

#### *Manitoba*

The Shops Regulation Act provides that no male or female employee under the age of 14 can be employed in any retail store This age is also governed by the School Act

#### *New Brunswick*

The Government would be very much in favour of raising the age from 14 years to 15

#### *Ontario*

The Government considers it advisable that the International Labour Conference should consider the revision of the Convention in order to raise from 14 to 15 years the minimum age for the admission of children to employment

In Ontario the two principal Acts dealing with the minimum age for the admission of young persons under 16 years of age to various classes of employment are the Factory, Shop and Office Building Act and the Adolescent School Attendance Act The former prohibits the employment of any child under 14 years of age in a shop, bakeshop, restaurant or office building, or of any person under 16 years of age during school hours without a certificate issued in accordance with the Adolescent School Attendance Act This Act requires the school attendance for full time of every adolescent between the ages of 14 and 16 years and prohibits their employment between 8 a m and 5 p m unless holding a home permit or an employment certificate which may be issued on the written application of a parent or guardian if in the opinion of the school attendance officer, the services of the adolescent are necessary

While there is no legislation fixing at 15 years the minimum age for the admission of children to employment, in the opinion of the Government the conditions prevailing in the Province are more favourable to the welfare of children because of the requirement of school attendance up to the age of 16 years The young persons of 16 years thus benefited would far outnumber those of 14 years in employment

#### *Quebec*

The Department of Labour of the Province was to present to the Legislature an amendment to the Industrial and Commercial Establishments Act, in order to raise from 14 to 16 years the minimum age of boys and girls employed in commercial establishments

#### *Saskatchewan*

The Orders of the Minimum Wage Board limit the age of admission, only for girls employed in hotels restaurants and refreshment rooms to 16 years This is the only regulation affecting the age of admission of children to employment, apart from the school attendance legislation,

under which children are compelled to attend school until the age of 15 years unless Grade VIII standing is obtained at an earlier age.

The Government considers that the school attendance requirements, which are strictly enforced, particularly in the larger centres, sufficiently safeguard the employment of children in non-industrial occupations within the province.

#### CHILE

The Government accepts in principle the idea of a possible revision of the Convention, but reserves the right to express its views, if necessary, on the exact terms of the amended text or on any other aspect of the question which the proposed revision may cover.

#### CHINA

The Government is not prepared to make any observation on the raising of the minimum age from 14 to 15 years. It is in favour, however, of the revision of the Standard Articles if the Convention is to be revised.

#### COLOMBIA

The Government offers no observations on the proposed revision.

#### CUBA

The Government supports the proposed revision of the Convention.

It suggests, however, that it would be desirable to include in the Convention exceptions allowing the employment of children of more than 14 years but less than 15 years in certain special cases where the child's family or financial circumstances justify it.

#### CZECHOSLOVAKIA

The Government considers that the raising of the age of admission of children to paid employment in commercial occupations is not only a means of alleviating unemployment but also a measure which would protect the life and health of children. It is therefore in favour of the revision of the Convention.

#### DENMARK

The Convention has not been ratified by Denmark, because its scope is wider than that of the Act of 18 April 1925 and because the Convention, even though it reduces the minimum age for admission to light work from 14 to 12 years, attaches such conditions to admission to this employment that ratification of the Convention would involve the amendment of the existing regulations concerning the employment of children on errands.

Even in its present form the Convention could not be ratified by Denmark and in the event of a revision the raising of the age from 14 to 15 years would make ratification still more difficult, since the age for admission of children to non-industrial employment—so far as it is laid down—is 14 years.

#### ECUADOR

The Government is not in favour of raising the minimum age to 15 years

#### ESTOVIA

In the opinion of the Government, conditions are not at present favourable for raising the minimum age from 14 to 15 years, owing to the shortage of labour which is beginning to be felt. Moreover, it may be doubted whether it is desirable to raise the question of revision, since the progress of ratification of the Convention has not fulfilled the hopes which might reasonably be entertained and the great States are not among the Members which have ratified it.

The Government cannot therefore support the placing on the Agenda of the Conference of the revision of the Convention, unless the revision is confined to the Standard Articles.

#### FINLAND

In Finland as in other countries the tendency has been to raise the minimum age for admission to employment higher and higher, first in an endeavour to protect children against overtiring their physical and mental powers and against other dangers, but also with the desire to endow children with as complete as possible an education generally and technically, before they engage in employment for remuneration. Lastly, it was hoped by these means to ease the situation in the labour market. The last named reason is of little importance in Finland, where unemployment among young persons and unemployment in general is not widespread. Taking into account the other circumstances mentioned above, legislation in Finland has already laid down the minimum age limits for admission of children to employment.

As regards the revision of the Convention so as to raise the age from 14 to 15 years, it should first be observed that compulsory school attendance in Finland, under the Act of 1921, applies to children only up to 13 years and to children of 14 years only when they have been unable to complete their elementary education earlier. Children who no longer attend school are required to undergo supplementary instruction for two years after leaving an elementary school. This instruction is given during the day only in the cities and in towns and communes of some importance, in the country it is given in evening courses. As the large majority of children in Finland do not continue at school after their compulsory attendance at elementary schools, the raising of the age for admission to employment would result in forcing young persons to remain idle for some time after completing their education. Experience in the matter has shown in Finland that such lack of occupation is undesirable and even dangerous to the development of young persons and further increases the burden of a family among the poor of the population.

Although it does not desire to oppose the proposed revision of the Convention, since such a revision might be necessary and suitable in other countries, the Ministry of Social Affairs does not consider that effect could be given to the change in Finland before elementary education has been organised so that there is no interval between the school-leaving age and the age for admission to employment.

## FRANCE

The Government considers that the revision of the Convention should be placed on the Agenda of the Conference and that the revision should be effected in respect of the points to which the Governing Body drew attention.

## GREAT BRITAIN

The Government is in agreement with the proposal to place on the Agenda of the Conference the revision of the Convention.

With regard to the points which the Governing Body considered specially worthy of attention, the Government considers (1) that, in connection with the raising of the minimum age from 14 to 15 years and any related revision of the exceptions provided in the Convention, the question of providing for exceptions in the case of employment of a character beneficial to children between those ages should be considered in view of the legislation to this effect now under consideration in Great Britain<sup>1</sup>; and (2) that in the event of the revision of the existing Convention the Standard Articles should be amended so as to bring them into line with similar articles inserted in more recent Conventions.

## GREECE

The Government recognises the great value of the proposed reform. In this period of economic crisis and widespread unemployment, such reforms should be unanimously adopted, since they tend not only to diminish unemployment but also to secure a longer period for the child's physical, intellectual and moral education.

It is necessary, however, that means should exist for carrying out this task. Greece unfortunately is a country in which the economic conditions and possibilities are limited and has not therefore been able to open enough technical schools or centres of recreation in which children could usefully pass the period between the end of their school attendance and their admission to employment. The constant progress which is being made towards a better social organisation permits the hope that these reforms may be looked for in a few years. In the meantime Greece can only adopt a negative attitude towards the reform.

## GUATEMALA

The question has been brought to the notice of the authorities competent in the matter.

## HUNGARY

The Government can make no observations, since it is unable to ratify the present Convention so long as compulsory daily attendance at primary schools extends only up to the end of the twelfth year.

## INDIA

The Government has no observations to make on the revision of the Convention, which has not been ratified by India.

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<sup>1</sup> The proposed legislation has since become law.

## 'IRAQ

Legislation in 'Iraq has adopted an age limit under 15 years for a number of reasons the most important of which is the comparatively early age at which youths become adults, owing to the nature of the climate

The Government therefore regrets that it is unable to take into consideration the proposed revision of the Convention

## IRISH FREE STATE

The policy of the Government in regard to the restriction of the employment of juveniles is indicated by the findings, which the Government has accepted, of an Inter Departmental Committee set up by the Minister for Education to consider the extension to young persons between 14 and 16 years of age of compulsory attendance at school. The conclusions of the Committee, so far as they might affect non industrial employment, are as follows

(1) The existing requirements of the Irish Free State in the matter of compulsory attendance at school are as comprehensive as those of other European countries

(2) Although there has been in many countries in recent years a persistent demand for the general raising of the school leaving age to 15 and 16 years scarcely any country has so far yielded to the demand

(5) There is not an undue proportion of juvenile to adult workers in non agricultural occupations

(6) There is no case for the raising of the school leaving age on the grounds that young people are too immature for employment at the age of 14 years

(7) A large proportion of the employment obtained by juveniles in non agricultural occupations is blind alley employment as messengers etc, but it is difficult to see what better employment could be obtained for such juveniles by keeping them a year or two longer at school

(8) The parents of juveniles who enter blind alley employment are generally in very poor circumstances and would be unable to keep them longer at school. If the school leaving age were raised, there would be a very strong demand for maintenance grants for the disemployed juveniles

(10) There are large numbers of young people between the ages of 14 and 16 who have not obtained employment and do not attend school. There is grave danger in their idleness which tends to make the young people unfit for employment

(11) There is a definite advantage to be gained by keeping unemployed juveniles at school, but if they are to have a reasonable chance of obtaining employment on leaving school they must be kept to 16 and not 15 years of age

(12) Under the conditions that prevail in the Irish Free State it would be better that the school leaving age should be raised to

16 years for unemployed juveniles than that it should be raised to 15 years for all juveniles.

(13) It is essential to the success of any extension of the period of school life that there should be adequate facilities for post-primary education and the lack of such facilities in many districts in the Irish Free State makes the general raising of the school-leaving age impracticable at present.

(14) The provisions of Part V of the Vocational Education Act might be put into operation in two or three carefully selected areas, all employed juveniles in these areas being required to attend classes for not more than 180 hours per year and all unemployed juveniles in the areas being required to attend whole-time schools.

#### JAPAN

The Government has no special opinion to express.

#### MEXICO

The Government is in favour of the revision of the Convention.

#### NETHERLANDS

As the situation stands to-day the raising of the minimum age from 14 to 15 years would involve such financial consequences (the necessity of raising the age at which compulsory school attendance ends) that for that reason alone it is impossible for the Government to collaborate at present in the revision of the Convention so as to change the age of 14 years laid down by the Convention to 15 years.

#### POLAND

The Government is in favour of raising to 15 years the minimum age of 14 years laid down in the Convention. Its support of the revision of the Convention in the direction proposed is based upon the provisions of Polish social legislation, which fixes at 15 years the age for admission of children to employment in industry, commerce, communications and transport.

#### SIAM

The Government has no observations to make.

#### SPAIN

The Government is in favour of the revision of the Convention.

#### SWEDEN

The reasons which up to the present have prevented the ratification of the Convention by Sweden still exist. Since the number of unemployed persons in the classes of workers who would be affected by a raising of the minimum age for admission of children to these forms of employment

is relatively small in Sweden, the Government does not feel able to support the proposed revision of the Convention

#### SWITZERLAND

The Convention is not considered ripe for revision in the direction of raising the minimum age. Very few ratifications have been registered since it was adopted in 1932. The reason may lie in the fact that the Convention fixes too high an age for admission to non industrial employment and covers too wide a field. If the revision of the Convention is to be placed on the Agenda of an early Session of the Conference it should in any case be considered whether its ratification could not be facilitated by restricting its scope at least and by allowing certain exceptions.

The Government is in favour of the revision of the Standard Articles, but only if revision also bears upon the principal point, namely, the raising of the minimum age.

#### TURKEY

The Grand National Assembly did not think it desirable for social and economic reasons to adopt legislation embodying the age of 14 years laid down in the Convention.

In these circumstances the Government sees for the moment no possibility of raising the age to the figure suggested. It hopes, however, that it will be possible to adopt new legal measures in conformity with the provisions of the Convention so soon as the practical necessity for them makes itself felt.

#### UNION OF SOUTH AFRICA

As the Union of South Africa was unable to ratify the Convention when the minimum age for admission to employment was fixed at 14 years, it will not be in a position to contemplate ratification should this age be raised to 15.

#### UNITED STATES OF AMERICA

The Government favours the revision of the Convention.

It favours elimination from the Convention of the sea fishing exception which is subsection (a) of section (2) of Article 1.

It would prefer in Article 2 a formula which would express a principle of child protection as well as state the minimum age of permitted employment.

It desires also that the age specified in Article 3 be raised from 12 to 14, in conformity with the general raising of the minimum age.

In Article 6, it recommends the elimination of the last words "in cases where the conditions of such employment require that a higher age should be fixed" and would like to see this Article extended to cover self employed minors working at stalls outside shops and in itinerant occupations.

Article 7 also should be strengthened to provide that the means of identification include at least the keeping by every employer of a register of all persons under the age of 18 employed by him, together with the dates of their birth and the extent of their schooling.



since Venezuela is a tropical country, a child of 14 years is in most cases more developed there than a child of the same age in most industrial countries and, secondly, that although the Government intends, for other reasons, to facilitate the raising from 14 to 15 years of the minimum age for admission to employment, it cannot at present find schools for the majority of the children between 14 and 15 years, so that if the reform were introduced immediately in the country it would not only fail to achieve the aim intended but would also increase the number of young persons condemned to enforced idleness

#### YUGOSLAVIA

The Government has no objection in principle to the proposed raising of the minimum age from 14 to 15 years. At the same time, it will not be able to give practical effect to the reform, since it will find it materially impossible to extend primary school attendance for children until they have reached 15 years. The Act of 5 December 1929 at present in force provides for the creation of higher primary schools in which the period of instruction is to last eight years, that is to say, until the children are 14 years old. Efforts are at present being made to bring these higher primary schools into being in all parts of the country. In these circumstances it is impossible for the Government to recommend the raising of the minimum age for admission of children to employment from 14 to 15 years, since such a step would lead to increased unemployment among young persons

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## CHAPTER II

### CONCLUSIONS AND DRAFT AMENDMENTS

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The order in which the points for the revision of the Convention are placed on the Agenda of the Conference is that of the Articles of the Convention. This order is however somewhat inconvenient in the discussion of possible amendments, since, for instance, it is difficult to deal with the question of exceptions and exemptions before dealing with the main point of the minimum age for admission to non industrial employment in general and the minimum age for admission to light work. The questions to be discussed in this chapter are therefore arranged in this more logical order and not in the order in which the points appear on agenda, since it is felt that this will help to clarify the discussion. In the text of the draft amendments, which will be found on page 30, the order of the Articles of the Convention is restored.

#### Revision of Article 2 so as to raise the Minimum Age from 14 to 15 Years

Of the 37 Governments from which observations have been received, nine are definitely in favour of raising the minimum age to 15 years—Canada (Alberta, British Columbia, New Brunswick, Ontario, Quebec), Cuba, Czechoslovakia, France, Mexico, Poland, Spain, the United States of America and Uruguay. Two other Governments—Argentina and Chile—are in favour in principle of raising the age, but reserve the right to express their views on the details of the revision. Three Governments are in favour of the discussion of the question—Australia is prepared to give careful consideration to it, Austria has no objection to the question being placed on the Agenda, but reserves its attitude on the substance of the question, and Great Britain agrees that the proposal should be placed on the Agenda, but suggests provision for exceptions.

The Irish Free State appears in principle to favour the raising of the age to 16 years, but considers any general raising of the age impracticable for the time being.

Fourteen Governments have pronounced against the raising of the minimum age or have stated that they would themselves be unable to put it into application: Brazil, Canada (Manitoba, Saskatchewan), Denmark, Ecuador, Estonia, Finland, Greece, Netherlands, Sweden, Switzerland, Turkey, Union of South Africa, Venezuela and Yugoslavia.

The remaining nine Governments from which replies have been received offer no observations on the question.

The opinions for and against the raising of the minimum age, or for and against the consideration of the question by the Conference, are thus almost equally divided. At the same time a large number of Governments has refrained from expressing a definite opinion. Since the consultation of the Governments, however, a new factor has arisen in the adoption by the Conference of the Revised Minimum Age (Sea) Convention and in the inclusion in that Convention of the provision that it shall not come into force until the Minimum Age (Industry) and Minimum Age (Non-Industrial Employment) Conventions have also been revised. The views of the Governments must necessarily be influenced by this provision. In accordance with the Standing Orders the Office therefore presents the following draft amendment, raising the minimum age to 15 years:

*Substitute for Article 2 of the Convention the following Article:*

Children under *fifteen* years of age, or children over *fifteen* years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

**Raising to 13 Years of the Age fixed in Paragraph 1  
of Article 3**

Article 3, subject to certain restrictions, allows the employment on light work of children over 12 years of age. References to this Article were made in the replies received from the Governments of Denmark and of the United States of America. The Danish Government stated that the provisions of the present Convention relating to light work and particularly to the employment of children on errands went further than Danish legislation. The United States Government desires that the age specified in Article 3 be raised from 12 to 14 years, in conformity with the general raising of the minimum age. The point placed upon the Agenda of the Conference, which raises the minimum age for employment on light work by one year, thus represents a compromise between the United States Government's suggestion that the age should be raised by two years and the Danish Government's apparent desire to retain the present age of 12 years. The raising of this minimum age by one year is moreover the logical consequence of the general raising of the minimum age also by one year.

The Office therefore submits the following draft amendment raising the minimum age laid down in paragraph 1 of Article 3 from 12 to 13 years

*Substitute in paragraph 1 of Article 3 of the Convention for the words "Children over twelve years of age" the words "children over thirteen years of age".*

(The full text of the proposed amendment of this paragraph is given below, under the next point)

#### Revision of Exceptions and Exemptions in respect of Children between 14 and 15 Years of Age

The exception allowed by Article 3 of the Convention for the employment of children on light work is partly the subject of a separate point of the Agenda, which is dealt with above (the raising of the minimum age for employment on light work to 13 years)

The Article also contains a number of restrictions upon the employment on light work of children up to 14 years. With the present text of the Article, the proposed raising of the general minimum age to 15 years would result in extending these restrictions automatically, if the present text were not amended, to children up to 15 years of age. It has to be considered whether the provisions containing these restrictions should be retained as they stand, thus making them applicable to children up to 15 years, or whether the text should be so revised as to make it apply only to children under 14 years, as is the case with the 1932 Convention

The restrictions which have to be considered are the following. The first (paragraph (1) (c)) limits to two hours in the day the duration of the light work which may be performed, the second (paragraph (2) (b)) prohibits employment on light work between 8 p m and 8 a m

The Governments were not specifically consulted upon these points and no suggestions upon them have therefore been received by the Office. In the absence, therefore, of any indication of the Governments' views, the Office proposes that as regards the duration of light work to be permitted, paragraph (1) (c) should be so revised as to maintain the effect of the existing provision, namely, the limitation of the hours of work only for children under 14 years, it suggests however that a new paragraph should be added requiring Governments to limit by national legislation the duration of light work for children over 14 years to the extent which they may think fit

As regards night work, the Office proposes that paragraph (2) (b) should be revised so as to maintain the effects of the existing provision, namely, the prohibition of the employment of children under 14 years on light work between 8 p m and 8 a m. It also proposes that a provision should be added prohibiting the employ-

ment of children over 14 years on light work during a night period of not less than 12 hours, the limits of which should be prescribed by national legislation, with an exception to meet the special conditions of tropical countries.

Thus, on the two points in question the existing arrangement would not be altered for children from 13 to 14 years of age, but it could be extended to children from 14 to 15, in conditions to be laid down by national legislation.

The Office therefore submits the following draft amendments:

*Substitute for paragraph 1 of Article 3 of the Convention the following paragraphs:*

1. Children over *thirteen* years of age may, outside the hours fixed for school attendance, be employed on light work which:
  - (a) is not harmful to their health or normal development; and
  - (b) is not such as to prejudice their attendance at school or capacity to benefit from the instruction there given.
2. *No child under fourteen years of age shall:*
  - (a) be employed on light work for more than two hours on any day whether that day be a school day or a holiday; or
  - (b) spend on any day at school and on light work a total number of hours exceeding seven.
3. *National laws or regulations shall prescribe the number of hours per day during which children over fourteen years of age may be employed on light work.*

*Add after paragraph 2 of Article 3 of the Convention a new paragraph in the following terms:*

*For the purpose of the preceding paragraph the term "night" means:*

- (a) *in the case of children under fourteen years of age, a period of at least twelve consecutive hours comprising the interval between 8 p.m. and 8 a.m.*
- (b) *in the case of children over fourteen years of age, a period which shall be prescribed by national laws and regulations but the duration of which shall not, except in the case of tropical countries where a compensatory rest is accorded during the day, be less than twelve hours.*

As regards exceptions and exemptions to the general prohibition of the employment of children under 15 years in non-industrial occupations, five Governments have made proposals. The British Government suggests that the question of providing for exceptions in the case of employment of a character beneficial to children between 14 and 15 years of age should be considered in view of the legislation to this effect under consideration in Great Britain (this legislation has since become law). The Cuban Government desires the inclusion in the Convention of exceptions allowing the employment of children between 14 and 15 years in certain special cases where the child's family or financial circumstances justify it; and a somewhat similar exception appears to be contemplated

by the Government of Uruguay. The Swiss Government is of opinion that it should be considered whether the ratification of a revised Convention could not be facilitated by restricting its scope and by allowing certain exceptions but makes no definite proposal for either of these purposes. Lastly, the Government of the United States of America is in favour of the elimination of the exception of employment in sea fishing which is at present allowed by Article 1 (2) (a).

The British Government's proposal has already been accepted by the Conference as regards the age for admission to employment at sea and since it does not allow for any exemptions for children under 14 years of age and so does not affect the existing principle of the present Convention, it would seem desirable that the Conference should consider whether it should also be accepted in the case of non-industrial employment.

On the other hand, the exception proposed by the Governments of Cuba and Uruguay apparently contemplates the case of children whose employment under 15 years of age is necessary for their own maintenance or the maintenance of members of their family. Such an exception offers a dangerous latitude, which might almost nullify the effect of raising the minimum age.

The Swiss Government has not defined the restriction of scope and the enlargement of exceptions which it suggests. No other Government has put forward any proposal for the restriction of the scope of the Convention while the enlargement of the exceptions would be met to a certain extent if the British Government's proposal were accepted. The Office does not therefore think it necessary to submit any draft amendment narrowing the scope of the Convention.

The United States Government suggests, on the contrary, that the scope of the Convention should be widened by including employment in sea fishing, which is at present excepted. It is true that the employment of children in that occupation is at present unregulated by any International Labour Convention. For that reason, however, it may be regarded as constituting an entirely new question, the consideration of which would be most suitably dealt with if the Conference finds itself at some future time engaged in the regulation of conditions of labour in the fishing industry in general. Moreover, in the convocation of the Twenty-third Session of the Conference Governments were not warned that the question of the fishing industry might arise and will not therefore have appointed advisers who are specially expert on conditions of employment in that industry. For these reasons the Office is of opinion that the present occasion is not a suitable one for dealing with the question, in spite of the evident value of the proposal.

Upon this point, therefore, the Office confines itself to placing before the Conference the question of including the exception put forward by the British Government. It submits the following draft amendment which is based upon the similar provision inserted by

the Conference in the Minimum Age (Sea) Convention (Revised), 1936:

*Add to Article 2 of the Convention a new paragraph in the following terms:*

*National laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.*

#### **Insertion of a Clause providing for the Registration of Workers below a Prescribed Age**

Reference to the registration of young workers was made by the Government of the United States of America, which suggested that Article 7 should be strengthened to provide that the means of identification referred to in sub-paragraph (b) should include at least the keeping by every employer of a register of all persons under the age of 18 employed by him, together with the dates of their birth and the extent of their schooling.

The relevant provision in Article 7 as it stands at present is that national laws or regulations shall "provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6". Article 6 provides for the fixing of a higher age or ages than 14 years for the admission of young persons to employment in certain forms of itinerant trading or employment in public places.

The keeping by employers of registers showing the names and dates of birth of young persons engaged in itinerant trading and employment in public places may, however, prove difficult to apply in practice and would not in any case cover young persons who are engaged in such occupations on their own account and therefore have no employers. As far, therefore, as the occupations covered by Article 6 are concerned, the Office suggests that supervision is more effectively secured by the present terms of Article 7 (b), under which young persons engaged in itinerant trades or employed in public places can be required to be in possession of licences, certificates, badges, etc., issued by a public authority.

No such objection arises, however, to the keeping of registers of young persons under 15 years of age employed in other non-industrial occupations, or of young persons of higher ages, to be defined by national legislation, employed on dangerous work (Article 5). Owing to the inclusion of children over 15 in the scope of Article 5 it would be necessary to fix the age below which young persons

in employment must be shown on a register at a relatively high figure and the Office suggests that the age of 18 years proposed by the United States Government would be acceptable

The Office does not, however, propose the acceptance of that Government's suggestion that the registers should also show the extent of the young persons' schooling, since such information might not, in many cases, be readily obtainable by the employer

The Office therefore submits the following draft amendment requiring employers to keep registers of all persons under the age of 18 employed by them, except in the employments covered by Article 6

*Substitute for Article 7 of the Convention the following Article*

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall

- (a) provide for an adequate system of public inspection and supervision,
- (b) require every employer to keep a register of the names and dates of birth of all persons under the age of eighteen years employed by him in any employment to which this Convention applies other than an employment to which Article 6 applies,
- (c) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6,
- (d) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention

**Deletion of Article 9**

Article 9 lays down special provisions for India. These special provisions, in the form in which they were adopted by the 1932 Session of the Conference, have not been such as to enable the Government of India to ratify the Convention, so that the reproduction in the revised Convention of the Article in its present form would be of doubtful utility

The Office therefore submits the following draft amendment

**Delete Article 9**

**Substitution for Articles 10-16 of the 1932 Convention of the Standard Articles in the Form last approved by the Conference**

These articles, as will be seen by reference to the text of the Convention on page 34, are of a general character, relating to matters such as the ratification, coming into force and denunciation of the Convention, which are not peculiar to this Convention, but are common, save for modifications in certain respects, to all

Conventions. In 1929 and in 1933 the Conference made modifications in the Standard Articles which it adopted and when Conventions were revised in 1934, 1935 and 1936 the opportunity was taken to replace the old Standard Articles by the new form. It was in order that the same procedure could be followed in the case of this Convention that the Governing Body placed this point upon the Agenda of the Conference.

Observations upon the proposed revision of the Standard Articles were offered by six Governments - China, Estonia, France, Great Britain, Switzerland and the United States of America. All these Governments are in favour of revision; the Chinese, British and Swiss Governments consider that the Standard Articles should be revised if the revision of the Convention so as to raise the minimum age to 15 years is also undertaken. No Government offers any opposition to the revision of the Standard Articles.

The procedure followed in previous cases for the revision of these articles has been for the Drafting Committee of the Conference to add them to the texts of proposed Draft Conventions when it is preparing the definitive text upon which the final vote is taken by the Conference.

It will also be the duty of the Drafting Committee to consider whether any consequential amendments are necessary. It would seem desirable, for instance, that the references in Article 1, paragraph 1, to the original Minimum Age (Industry) and Minimum Age (Sea) Conventions should be replaced by references to the revised Conventions.

It is suggested that if the Conference agrees upon the revision of the Convention upon all or any of the points dealt with in the draft amendments submitted by the Office, it should adopt a resolution in the following terms:

The Conference instructs its Drafting Committee to insert in the text submitted to it for the final vote, in replacement of Articles 10-16 of the 1932 Convention, Standard Articles in the form last approved by the Conference.



TEXT OF THE DRAFT AMENDMENTS PROPOSED BY  
THE OFFICE

— — —

1. *Substitute for Article 2 of the Convention the following Article:*

1. Children under fifteen years of age, or children over fifteen years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

2. National laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

2. *Substitute for paragraph 1 of Article 3 of the Convention the following paragraphs:*

1. Children over thirteen years of age may, outside the hours fixed for school attendance, be employed on light work which:

- (a) is not harmful to their health or normal development; and
- (b) is not such as to prejudice their attendance at school or capacity to benefit from the instruction there given.

2. No child under fourteen years of age shall:

- (a) be employed on light work for more than two hours on any day whether that day be a school day or a holiday; or
- (b) spend on any day at school and on light work a total number of hours exceeding seven.

(Paragraph 2 is a redrafting of the present clause (c).)

3. National laws or regulations shall prescribe the number of hours per day during which children over fourteen years of age may be employed on light work.

(Paragraph 3 is a new paragraph.)

## TEXTE DES PROJETS D'AMENDEMENT PROPOSÉS PAR LE BUREAU

### *1. Remplacer l'article 2 de la convention par l'article suivant:*

1. Les enfants de moins de quinze ans ou ceux qui, ayant dépassé cet âge, sont encore soumis à l'obligation scolaire primaire en vertu de la législation nationale, ne pourront être occupés à aucun des travaux auxquels s'applique la présente convention, sous réserve des dispositions ci-après.

2. La législation nationale peut autoriser la délivrance de certificats permettant aux enfants âgés de quatorze ans au moins d'être employés dans les cas où une autorité scolaire ou une autre autorité appropriée désignée par la législation nationale s'est assurée, après avoir dûment pris en considération la santé et l'état physique de l'enfant, ainsi que les avantages futurs aussi bien qu'immédiats que l'emploi envisagé peut comporter pour lui, que cet emploi est dans l'intérêt de l'enfant.

### *2. Remplacer le paragraphe 1 de l'article 3 de la convention par les paragraphes suivants:*

1. Les enfants âgés de treize ans accomplis pourront, en dehors des heures fixées pour la fréquentation scolaire, être occupés à des travaux légers, sous réserve que ces travaux:

- a) ne soient pas nuisibles à leur santé ou à leur développement normal;
- b) ne soient pas de nature à porter préjudice à leur assiduité à l'école ou à leur faculté de bénéficier de l'instruction qui y est donnée.

2. Aucun enfant âgé de moins de quatorze ans ne pourra:

- a) être occupé à des travaux légers pendant plus de deux heures par jour, aussi bien les jours de classe que les jours de vacances;
- b) consacrer à l'école et aux travaux légers un nombre total quotidien d'heures dépassant sept.

(Le paragraphe 2 est une nouvelle rédaction de l'alinéa c) actuel.)

3. La législation nationale déterminera le nombre quotidien d'heures pendant lesquelles les enfants âgés de plus de quatorze ans pourront être occupés à des travaux légers.

(Le paragraphe 3 est nouveau)

3. Add after paragraph 2 of Article 3 of the Convention a new paragraph in the following terms:

For the purpose of the preceding paragraph the term "night" means:

- (a) in the case of children under fourteen years of age, a period of at least twelve consecutive hours comprising the interval between 8 p.m. and 8 a.m.;
- (b) in the case of children over fourteen years of age, a period which shall be prescribed by national laws or regulations but the duration of which shall not, except in the case of tropical countries where a compensatory rest is accorded during the day, be less than twelve hours.

(The present paragraph 2 of the Convention would become paragraph 4 and the new paragraph proposed above would be paragraph 5. The present paragraphs 3 and 4 would become paragraphs 6 and 7.)

4. Substitute for Article 7 of the Convention the following Article:

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall:

- (a) provide for an adequate system of public inspection and supervision;
- (b) require every employer to keep a register of the names and dates of birth of all persons under the age of eighteen years employed by him in any employment to which this Convention applies other than an employment to which Article 6 applies;
- (c) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6;
- (d) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

(The clause have been re-lettered, owing to the insertion of a new clauses (b).)

5. Delete Article 9.

DRAFT RESOLUTION

The Conference instructs its Drafting Committee to insert in the text submitted to it for the final vote, in replacement of Articles 10-16 of the 1932 Convention, Standard Articles in the form last approved by the Conference.

*3. Ajouter après le paragraphe 2 de l'article 3 de la convention un nouveau paragraphe rédigé comme il suit:*

Pour l'application du paragraphe précédent, le terme « nuit » signifie:

- a) en ce qui concerne les enfants âgés de moins de quatorze ans, une période d'au moins douze heures consécutives, comprenant l'intervalle écoulé entre huit heures du soir et huit heures du matin;
- b) en ce qui concerne les enfants âgés de plus de quatorze ans, une période de repos qui sera fixée par la législation nationale, mais dont la durée ne pourra être inférieure à douze heures, sauf dans le cas des pays tropicaux où un repos compensateur est accordé pendant le jour.

(Le paragraphe 2 actuel de la convention deviendrait le paragraphe 4 et le nouveau paragraphe proposé ci-dessus serait le paragraphe 5. Les présents paragraphes 3 et 4 deviendraient les paragraphes 6 et 7).

*4. Remplacer l'article 7 de la convention par l'article suivant:*

En vue d'assurer l'application effective des dispositions de la présente convention, la législation nationale:

- a) prévoira un système approprié d'inspection et de contrôle officiels;
- b) prévoira la tenue, par chaque employeur, d'un registre indiquant les noms et dates de naissance de toutes les personnes de moins de dix-huit ans qu'il occupe dans les emplois auxquels s'applique la présente convention, à l'exception de ceux visés à l'article 6;
- c) prévoira des mesures appropriées pour faciliter l'identification et le contrôle des personnes au-dessous d'un âge déterminé occupées dans les emplois et professions visés à l'article 6;
- d) établira des pénalités pour réprimer les infractions à la législation donnant effet aux dispositions de la présente convention.

(L'appellation des alinéas a été modifiée par suite de l'insertion d'un nouvel alinéa b) )

*5. Supprimer l'article 9.*

**PROJET DE RÉSOLUTION**

La Conférence charge son Comité de rédaction d'insérer dans le texte qu'il lui soumettra pour le vote final, en remplacement des articles 10 à 16 de la convention de 1932, les clauses de style adoptées le plus récemment par la Conférence.

## APPENDIX

### Text of the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)<sup>1</sup>

#### ARTICLE 1

(1) This Convention shall apply to any employment not dealt with in the following Conventions adopted by the International Labour Conference at its First, Second and Third Sessions respectively:

Convention fixing the minimum age for admission of children to industrial employment (Washington, 1919);

Convention fixing the minimum age for admission of children to employment at sea (Genoa, 1920);

Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921).

The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

(2) This Convention shall not apply to:

(a) employment in sea-fishing;

(b) work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority.

(3) It shall be open to the competent authority in each country to exempt from the application of this Convention:

(a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 and 5 of this Convention;

(b) domestic work in the family performed by members of that family.

#### ARTICLE 2

Children under fourteen years of age, or children over fourteen years who are still required by national laws or regulations to attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

<sup>1</sup> The Preamble has been omitted.

### ARTICLE 3

(1) Children over twelve years of age may, outside the hours fixed for school attendance, be employed on light work

- (a) which is not harmful to their health or normal development,
- (b) which is not such as to prejudice their attendance at school or their capacity to benefit from the instruction there given, and
- (c) the duration of which does not exceed two hours per day on either school days or holidays, the total number of hours spent at school and on light work in no case to exceed seven per day

(2) Light work shall be prohibited

- (a) on Sundays and legal public holidays,
- (b) during the night, that is to say during a period of at least twelve consecutive hours comprising the interval between 8 p m and 8 a m

(3) After the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall

- (a) specify what forms of employment may be considered to be light work for the purpose of this Article,
- (b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed on light work

(4) Subject to the provisions of sub paragraph (a) of paragraph (1) above,

- (a) national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are over fourteen years of age,
- (b) in countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day

### ARTICLE 4

In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films

Provided that

- (a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows or cabarets,
- (b) strict safeguards shall be prescribed for the health physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education,

(c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.

#### ARTICLE 5

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it.

#### ARTICLE 6

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

#### ARTICLE 7

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall:

- (a) provide for an adequate system of public inspection and supervision;
- (b) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6;
- (c) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

#### ARTICLE 8

There shall be included in the annual reports to be submitted under Article 408 of the Treaty of Versailles and the corresponding Articles of the other Treaties of Peace full information concerning all laws and regulations by which effect is given to the provisions of this Convention, including:

- (a) a list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 3;
- (b) a list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2;
- (c) full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

#### ARTICLE 9

The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India:

- (1) The employment of children under ten shall be prohibited: Provided that in the interests of art, science or education, nationa

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laws or regulations may, by permits, granted in individual cases, allow exceptions to the above provision in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films

Provided also that should the age for the admission of children to factories not using power which are not subject to the Indian Factories Act be fixed by national laws or regulations at an age exceeding ten the age so prescribed for admission to such factories shall be substituted for the age of ten for the purpose of this paragraph

(2) Persons under fourteen years of age shall not be employed in any non industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life, health or morals

(3) An age above ten shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed

(4) National laws or regulations shall provide for the due enforcement of the provisions of this Article and in particular shall provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Article

(5) The competent authority shall, after a period of five years from the date of passing of legislation giving effect to the provisions of this Convention, review the whole position with a view to increasing the minimum age prescribed in this Convention, such review to cover the whole of the provisions of this Article

Should legislation be enacted in India making attendance at school compulsory until the age of fourteen this Article shall cease to apply, and Articles 2, 3, 4, 5, 6 and 7 shall thenceforth be applicable to India

#### ARTICLE 10

The formal ratifications of this Convention under the conditions set forth in Part XIII of the Treaty of Versailles and in the corresponding Parts of the other Treaties of Peace shall be communicated to the Secretary General of the League of Nations for registration

#### ARTICLE 11

This Convention shall be binding only upon those Members whose ratifications have been registered with the Secretariat

It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Secretary General

Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered

## ARTICLE 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

## ARTICLE 13

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

## ARTICLE 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

## ARTICLE 15

Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall *ipso jure* involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 13 above if and when the new revising Convention shall have come into force.

As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.

Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## ARTICLE 16

The French and English texts of this Convention shall both be authentic.

